IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 4691 of 2003

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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ABADALI HASANALI SAIYAD - Petitioner(s)

Versus

BANCO PRODUCTS (I) LTD. - Respondent(s)

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Appearance :

MR RD RAVAL for Petitioner(s) : 1,
MR KM PATEL for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 06/10/2005

ORAL JUDGMENT

In the present petition, the petitioner has challenged the legality of the award dated 31st July 2002 passed by the Labour Court, Vadodara.

2. By the impugned award, reference of the petitioner was rejected. The petitioner has raised the reference, contending, inter alia that his services were wrongly terminated on 22nd September 1994. The petitioner was a trainee engaged by the respondent Company by the order dated 8.9.92. He was paid stipend of Rs.700 per month. Upon completion of the training period indicated in the order dated 8.9.92, he was relieved with effect from 22nd September 1994. The Labour Court observed that the petitioner was engaged as a trainee. He was offered only stipend and no other perquisites were being paid to him. He had failed to prove that he was engaged on a vacant post. He failed to prove that he had worked for more than 240 days. Even otherwise, his disengagement in terms of the engagement order would be covered under the provisions of section 2(oo)(bb) of the Industrial Disputes Act. It was, therefore, not necessary to follow the procedure under section 25-F of the Industrial Disputes Act was the opinion of the Labour Court. The petitioner was engaged only as a trainee. He was paid only stipend. His engagement was terminated upon completion of the period as per his engagement order. No illegality can be said to have been committed by the Labour Court in rejecting the reference.

3. In the result, the petition fails and is hereby rejected. Rule is discharged with no order as to costs.

(Akil Kureshi, J.)

(vjn)